

SCANNED

return

☐ AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

WESTERN

District of

PENNSYLVANIA

BOARD OF TRUSTEES OF CEMENT MASONS  
LOCAL 526 COMBINED FUNDS,

PLAINTIFF

## SUMMONS IN A CIVIL CASE

V.

CONCEPTS IN CONSTRUCTION, INC.,

DEFENDANT

CASE NUMBER:

05-62 E

TO: (Name and address of Defendant)

CONCEPTS IN CONSTRUCTION, INC.  
416 Cherry Street  
Erie, PA 16507

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Stephen J. O'Brien, Esquire  
Stephen J. O'Brien & Associates  
71 McMurray Road, Suite 205  
Pittsburgh, PA 15241  
412-833-5949

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

R.V. Gauth, Jr.

CLERK

FEB 18 2005

DATE

Edward Taylor

(By) DEPUTY CLERK

## ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET  
PITTSBURGH, PA 15219-2496  
PHONE (412) 350-4700  
FAX (412) 350-6388

PETER R. DEFAZIO  
Sheriff

DENNIS SKOSNIK  
Chief Deputy

PLAINTIFF: Board of Trustees of Cement Masons Local 526

CASE#: 65-62E

EXPIRES: 6-18-05

VS. Combined Funds

DEFT: Concepts in Construction, Inc

☐ SUMMONS/PRAECIPE

☐ SEIZURE OR POSSESSION

☒ NOTICE AND COMPLAINT 50

☐ REVIVAL OR SCI FA

☐ INTERROGATORIES

☐ EXECUTION • LEVY OR GARNISHEE

☐ OTHER 13 District Court

DEFT

DEFT

GARNISHEE:

ADDRESS: 416 Cherry St.  
Erie, PA 16507

MUNICIPALITY OR CITY WARD:

ATTY: Stephen J. O'Brien

DATE 2-17-05 20

ADDRESS: 71 Mc Murray Rd Ste 205

ATTY'S PHONE 412 833 5949

Pgh PA 15241

NOTE: DATE TYPE OF SEIZURE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORED

NOW: 20 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby deputize the Sheriff of  
County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE

MODEL

MOTOR NUMBER

SERIAL NUMBER

LICENSE NUMBER

## SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, A.M./P.M. Address Above: Address Below: County of Allegheny, Pennsylvania

I have served in the manner Described below:

☐ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship \_\_\_\_\_

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/other person authorized to accept deliveries of United States Mail \_\_\_\_\_

☐ Agent or person in charge of Defendant(s) office or usual place of business \_\_\_\_\_

☐ Other \_\_\_\_\_

☐ Property Posted \_\_\_\_\_

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other \_\_\_\_\_

☐ Certified Mail ☐ Receipt \_\_\_\_\_ ☐ Envelope Returned \_\_\_\_\_ ☐ Neither receipt or envelope returned; writ expired \_\_\_\_\_

☐ Regular Mail Why \_\_\_\_\_

SO ANSWERS

*Peter R. Defazio*

SHERIFF

2005 FEB 24 AM 10:06

SEE OFFICE

You are hereby notified that on \_\_\_\_\_, levy was made in the case of \_\_\_\_\_  
Possession Sale has been set for \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock

**YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.**

ATTEMPTS \_\_\_\_\_

Additional Costs Due \$ \_\_\_\_\_ This is placed on writ when returned to Prothonotary. Please check before satisfying case.

**PETER R. DEFAZIO, Sheriff**

BY: \_\_\_\_\_ DEPUTY

DISTRICT: \_\_\_\_\_

Affirmed and subscribed before me

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary

White Copy - Sheriff

Pink Copy - Attorney

CASE NO: 2005-00562 M

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF ERIE

BOARD OF TRUSTEES OF CEMENT

VS

CONCEPTS IN CONSTRUCTION, INC

WILLIAM FENTON, Deputy Sheriff of ERIE

County, Pennsylvania, who being duly sworn according to law,

says, the within SUMMONS AND COMPLAINT was served upon

CONCEPTS IN CONSTRUCTION, INC the

DEFENDANT, at 1525:00 Hour, on the 7th day of March, 2005

at 416 CHERRY ST

ERIE, PA 16501 by handing to

FRANK DIX, OWNER

a true and attested copy of SUMMONS AND COMPLAINT together with

and at the same time directing His attention to the contents thereof.

So Answers:

Sheriff's Costs:

Docketing	.00
Service	.00
Affidavit	.00
Surcharge	.00
	.00
	.00

Bob Merski  
Bob Merski, Sheriff of Erie County

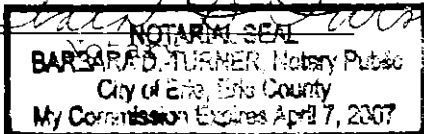
By William Fenton  
Deputy Sheriff

00/00/0000

Sworn and Subscribed to before

me this 8th day of March

2005 A.D.



RECEIPT FOR PAYMENT  
=====

Erie County Pennsylvania  
140 West Sixth St - 4th Floor  
Erie, PA 16501-1077

Receipt Date 02/24/2005  
Receipt Time 11:10:50  
Receipt No. 171826

BOARD OF TRUSTEES OF CEMENT (VS) CONCEPTS IN CONSTRUCTION, INC

Case Number 2005-00562 M  
Service Info  
Remarks PD BY STEPHEN J O'BRIEN  
K.C.

Total Check... + 58.00  
Total Cash... + .00  
Cash Out..... - .00

Check No. 356

Receipt total. = 58.00

## ----- Distribution Of Payment -----

Transaction Description	Payment Amount
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SHERIFF FEES	58.00
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TREASURER OF ERIE COUNTY

	<u>58.00</u>
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## OFFICE OF THE SHERIFF

ERIE COUNTY, PENNSYLVANIA  
140 WEST SIXTH STREET • ERIE, PENNSYLVANIA 16501  
814/451-6254 FAX 814/451-6323

**ERIE COUNTY SHERIFF'S SERVICE**  
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE SHERIFF" on the reverse of the last (No. 4) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF <i>Board of Trustees of Cement Mills Comb. Funds</i>	TERM AND NO. <i>54</i>
DEFENDANT <i>Concepts in Construction Inc.</i>	TYPE OF WRIT <i>Complaint - Notice / Summons</i>
SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <i>Concepts In Construction Inc.</i>	
ADDRESS (Street or RFD, Apartment No., City, State and Zip Code) <i>416 Cherry St. Erie, PA 16507</i>	
AT	

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW

*Stephen T. O'Brien*  
*71 Mc Murray Rd Ste 205*  
*Pgh PA 15241*

SHOW number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc.

No. of Total

Check if applicable

☐ Serve Secretary of Commonwealth

☐ Deputized Service

☐ Publication

Special instructions required for all of the above.

SHOW IN THE SPACE BELOW ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

*Serve person in charge*

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR <i>Stephen T. O'Brien</i>	TELEPHONE NUMBER <i>412 833 5949</i>	DATE <i>2/27/05</i>
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SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of prepaid fees and sign → <i>58.00</i>	DEPOSIT	DISTRICT TO SERVE <i>Erie/City</i>
I acknowledge receipt for the total number of writs indicated and for the deposit (if applicable) shown.	SIGNATURE OF AUTHORIZED DEPUTY OR CLERK <i>K Carson</i>	DATE <i>2/24/05</i>
OVERTIME AUTHORIZATION	DEPUTY	DATE AND TIME
		AUTHORIZING ATTORNEY

☒ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS", the writ described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within the bailiwick of Erie County, Pennsylvania.

NAME AND TITLE OF INDIVIDUAL SERVED (If not shown above) <i>Frank D.</i>	<input type="checkbox"/> A person of suitable age then abiding in the defendant's usual place of abode.
ADDRESS (Complete only if different than shown above)	FEE (If applicable)
	MILEAGE

DATE(S) OF ENDEAVOR (Use remarks if necessary)	DATE OF SERVICE <i>3/7/05</i>	TIME <i>1525</i>	AM PM	SIGNATURE OF SHERIFF OR DEPUTY <i>[Signature]</i>
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REMARKS